

South Carolina General Assembly
124th Session, 2021-2022

R242, S1045

STATUS INFORMATION

General Bill

Sponsors: Senators Alexander and M. Johnson

Document Path: I:\s-res\tca\062haza.kmm.tca.docx

Introduced in the Senate on February 3, 2022

Introduced in the House on April 7, 2022

Last Amended on May 10, 2022

Passed by the General Assembly on May 12, 2022

Governor's Action: May 23, 2022, Signed

Summary: Motor vehicle carriers

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
2/3/2022	Senate	Introduced and read first time (Senate Journal-page 2)
2/3/2022	Senate	Referred to Committee on Judiciary (Senate Journal-page 2)
3/3/2022	Senate	Referred to Subcommittee: Rankin (ch), Hutto, Campsen, Matthews, Talley
3/30/2022	Senate	Committee report: Favorable with amendment Judiciary (Senate Journal-page 11)
3/31/2022		Scrivener's error corrected
4/5/2022	Senate	Committee Amendment Adopted (Senate Journal-page 34)
4/5/2022	Senate	Read second time (Senate Journal-page 34)
4/5/2022	Senate	Roll call Ayes-41 Nays-0 (Senate Journal-page 34)
4/6/2022		Scrivener's error corrected
4/6/2022	Senate	Read third time and sent to House (Senate Journal-page 34)
4/7/2022	House	Introduced and read first time
4/7/2022	House	Referred to Committee on Labor, Commerce and Industry
5/4/2022	House	Committee report: Favorable with amendment Labor, Commerce and Industry (House Journal-page 7)
5/10/2022	House	Amended (House Journal-page 223)
5/10/2022	House	Read second time (House Journal-page 223)
5/10/2022	House	Roll call Yeas-103 Nays-0 (House Journal-page 232)
5/11/2022	House	Read third time and returned to Senate with amendments (House Journal-page 8)
5/12/2022	Senate	Concurred in House amendment and enrolled (Senate Journal-page 86)
5/18/2022		Ratified R 242
5/23/2022		Signed By Governor

View the latest [legislative information](#) at the website

VERSIONS OF THIS BILL

[2/3/2022](#)

[3/30/2022](#)

[3/31/2022](#)

[4/5/2022](#)

[4/6/2022](#)
[5/4/2022](#)
[5/10/2022](#)

NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.

(R242, S1045)

AN ACT TO AMEND SECTION 58-23-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGULATIONS FOR TRANSPORTATION BY MOTOR VEHICLES FOR COMPENSATION, SO AS TO PROVIDE FOR THE TRANSPORTATION OF HAZARDOUS WASTE FOR DISPOSAL OR HOUSEHOLD GOODS AND EXCEPTIONS; TO AMEND SECTION 58-23-25, RELATING TO THE PUBLIC SERVICE COMMISSION'S MOTOR CARRIER REGULATORY AUTHORITY, SO AS TO PROVIDE FOR THE STATUTORY CONSTRUCTION OF THE CHAPTER RELATED TO THE LIMITATION OF CERTAIN AUTHORITY VESTED WITH PUBLIC SERVICE COMMISSION'S MOTOR CARRIER REGULATORY AUTHORITY; TO AMEND SECTION 58-23-30, RELATING TO THE DEFINITION OF "FOR COMPENSATION", SO AS TO PROPERLY DEFINE TRANSPORTATION VEHICLES; TO AMEND SECTION 58-23-40, RELATING TO CERTIFICATE AND FEE REQUIREMENTS, SO AS TO PROPERLY DEFINE TRANSPORTATION VEHICLES; TO AMEND SECTION 58-23-60, RELATING TO AREAS IN WHICH THIS CHAPTER IS NOT APPLICABLE TO BUSINESSES, SO AS TO INCLUDE VEHICLES OPERATED BY A MUNICIPALITY; TO AMEND SECTIONS 58-23-210, 58-23-220, 58-23-230, 58-23-240, 58-23-250, 58-23-260, 58-23-270, AND 58-23-290, ALL RELATING TO CLASSES OF CERTIFICATES, ALL SO AS TO PROVIDE THE MANNER IN WHICH THE OFFICE OF REGULATORY STAFF ISSUES CLASS CERTIFICATES; TO AMEND SECTION 58-23-560, RELATING TO LICENSE FEES FOR CERTIFICATE HOLDERS, SO AS TO PROVIDE ELIGIBILITY REGULATIONS FOR CERTIFICATE HOLDERS; TO AMEND SECTION 58-23-590, RELATING TO CARRIERS OF HOUSEHOLD GOODS AND HAZARDOUS WASTE FOR DISPOSAL, SO AS TO PROVIDE THE POWERS OF THE COMMISSION; TO AMEND SECTION 58-23-600, RELATING TO TIME FOR PAYMENT OF FEES, SO AS TO PROVIDE REGULATIONS FOR FEES REQUIRED OF CERTIFICATE HOLDERS; TO AMEND SECTION 58-23-910, RELATING TO INSURANCE AND BOND,

SO AS TO PROVIDE INSURANCE REQUIREMENTS; TO AMEND SECTION 58-23-930, RELATING TO EXCEPTIONS FOR THE REQUIREMENT OF INSURANCE, SO AS TO REMOVE REFERENCES TO THE INTERSTATE COMMERCE COMMISSION; TO AMEND SECTIONS 58-23-1010, 58-23-1020, 58-23-1080, AND 58-23-1090, RELATING TO RIGHTS AND DUTIES GENERALLY, SO AS TO PROVIDE FOR REGULATIONS FOR FEES, LICENSES, AND OTHER MARKERS; TO AMEND SECTION 58-4-60, RELATING TO EXPENSES BORNE BY REGULATED UTILITIES, SO AS TO REFERENCE THE PROVISIONS IN THE CODE GENERATING FEES THAT ARE TO BE USED TO PAY FOR THE EXPENSES OF THE TRANSPORTATION DEPARTMENT OF THE OFFICE OF REGULATORY STAFF; TO AMEND SECTION 4-11-290, RELATING TO THE DISSOLUTION OF SPECIAL PURPOSE DISTRICTS, SO AS TO PROVIDE FOR THE DISSOLUTION OF A HOSPITAL DISTRICT THAT HAS AN AFFILIATED ORGANIZATION EXEMPT FROM TAX UNDER SECTION 501(C)(3) OR (4); TO REPEAL SECTIONS 58-23-300, 58-23-330, 58-23-530, 58-23-540, 58-23-550, AND 58-23-1060; AND TO REQUIRE THE PUBLIC SERVICE COMMISSION TO MAKE INFORMATION READILY AVAILABLE TO THE PUBLIC.

Be it enacted by the General Assembly of the State of South Carolina:

Transportation by motor vehicle for compensation regulated

SECTION 1. Section 58-23-20 of the 1976 Code is amended to read:

“Section 58-23-20. No corporation or person, his lessees, trustees, or receivers may operate a motor vehicle for the transportation of persons, hazardous waste for disposal, or household goods for compensation on an improved public highway in this State except in accordance with the provisions of this chapter, except where the use of a motor vehicle is incidental only to the operation, and any such operation is subject to control, supervision, and regulation by the commission in the manner provided by this chapter. The commission may not fix or approve the rates, fares, or charges for Class A, B, C, D, E, or F certificates.”

Public Service Commission’s motor carrier regulatory authority

SECTION 2. Section 58-23-25 of the 1976 Code is amended to read:

“Section 58-23-25. Nothing in this chapter, unless specifically provided, may be construed as granting authority to the Public Service Commission to regulate, approve, fix, or charge a fee on a matter of rates, prices, changes, routes, or services of a motor vehicle carrier of property, including private carriers, except certificate carriers of household goods or hazardous wastes for disposal.”

“For compensation” defined

SECTION 3. Section 58-23-30 of the 1976 Code is amended to read:

“Section 58-23-30. ‘For compensation’ as used in Section 58-23-20 means a payment in money or property for transportation of persons, hazardous waste for disposal, or household goods by motor vehicle over public highways within the State of South Carolina.”

Certificate and fee requirements

SECTION 4. Section 58-23-40 of the 1976 Code is amended to read:

“Section 58-23-40. A motor vehicle carrier shall obtain a certificate from the Office of Regulatory Staff, pursuant to the provisions of Article 3 of this chapter and pay the license fee required pursuant to Article 5 of this chapter before the motor vehicle carrier may: (1) transport persons, hazardous waste for disposal or household goods for compensation on any improved public highway in this State; or (2) advertise as an operator for the transportation of persons, hazardous waste for disposal or household goods for compensation on any improved public highway in this State.”

Chapter not applicable to business within certain areas

SECTION 5. Section 58-23-60(5) of the 1976 Code is amended to read:

“(5) used by a county or municipality to transport passengers or property.”

Application for a certificate

SECTION 6. Section 58-23-210 of the 1976 Code is amended to read:

“Section 58-23-210. (A) An applicant applying for a certificate or applying to amend a certificate to operate as a motor vehicle common

carrier must submit a written application to the commission on a form provided by the commission. The commission must post information regarding an application to apply for a certificate or amend a certificate for fifteen days immediately following receipt of the application. Any person who may be affected by the issuance or amendment of the requested certificate or amendment may file a written objection with the commission within fourteen days after the commission posts the notice regarding the application.

(B)(1) If no objection to an application is filed pursuant to subsection (A), the commission may meet to determine if the applicant is fit, willing, and able to perform the proposed service, upon a showing based upon criteria established by the commission. If the commission issues a directive approving the application, the Office of Regulatory Staff may then issue the certificate. The directive of the commission shall serve as the commission's order thirty days after issuance.

(2) If an objection is filed with the commission, the commission must hold a hearing to determine if the applicant is fit, willing, and able to perform the proposed service. The commission must publish a notice of hearing for an application for a certificate on the commission's website for not less than thirty days before the date of the hearing.

(C) If an application is denied, another application may not be made until at least six months have elapsed since the date of the denial."

Class A certificates

SECTION 7. Section 58-23-220 of the 1976 Code is amended to read:

"Section 58-23-220. The Office of Regulatory Staff, upon directive of the commission, may issue a certificate A in the following cases:

(1) to an applicant to operate in territory already served by any certificate holder under this chapter or any common carrier when such territory is not already being reasonably served by some other certificate holder or common carrier, provided such applicant propose to operate on a fixed schedule and to comply with the other provisions contained in Articles 1 to 11 of this chapter and the rules and regulations which may be made by the commission respecting holders of this class of certificates; and

(2) to an applicant for a certificate to operate upon a regular schedule in a territory not already served by the holder of a certificate A, when such territory is not being reasonably served by a certificate holder under this chapter or a common carrier; provided, that when a certificate A is issued to an applicant over territory which is being served at the time such certificate is granted by the holder of a certificate B, the right of the

applicant to operate under certificate A shall not begin until the expiration of the then license year of the holder of the certificate B and the holder of a certificate B shall be preferred in granting a certificate A over the route unless it would not be in the interest of the public service.

In either case the existence of a railroad or other motor vehicle carrier in the territory sought to be served by the applicant shall not be considered by the commission as good cause for refusing the application.”

Class B certificates

SECTION 8. Section 58-23-230 of the 1976 Code is amended to read:

“Section 58-23-230. The Office of Regulatory Staff, upon directive of the commission, may issue a certificate B when the applicant does not propose to operate regularly upon a fixed schedule or route but will operate in instances when by his solicitation or otherwise he has procured passengers to be transported over the route or routes designated in his application.”

Class C certificates

SECTION 9. Section 58-23-240 of the 1976 Code is amended to read:

“Section 58-23-240. The Office of Regulatory Staff, upon directive of the commission, may issue a certificate C to any applicant who does not propose in any way to solicit the transportation of persons over improved public highways outside of the corporate limits of any city or town or to operate upon a regular schedule, but who is privately employed for a specific trip and who will not solicit or receive patronage along the route. But those operators may solicit passengers (a) for destination within the corporate limits of any city or town wherein such passengers are solicited, (b) within a radius of two miles of the corporate limits of the city or town in which they are licensed to do business, and (c) upon such highways as are not served by a holder of an A or B certificate.”

Class D certificates

SECTION 10. Section 58-23-250 of the 1976 Code is amended to read:

“Section 58-23-250. The Office of Regulatory Staff, upon directive of the commission, may issue a certificate D for property-carrying vehicles which will operate upon regular routes and schedules over such highways.”

Class E certificates

SECTION 11. Section 58-23-260 of the 1976 Code is amended to read:

“Section 58-23-260. The Office of Regulatory Staff, upon directive of the commission, may issue a certificate E for the property-carrying vehicles which will not operate upon any particular route or schedule.”

Class F certificates

SECTION 12. Section 58-23-270 of the 1976 Code is amended to read:

“Section 58-23-270. The Office of Regulatory Staff, upon directive of the commission, may issue a certificate F to any person or corporation who proposes to engage in the business commonly known as contract hauling of freight or property when such applicant does not propose to operate upon a regular schedule or over a regular route or to solicit or receive patronage along the route.”

Partial A, B, and D certificates

SECTION 13. Section 58-23-290 of the 1976 Code is amended to read:

“Section 58-23-290. In ordering the issuance of a certificate A, B, or D the commission may direct the issuance of a certificate for partial exercise only of the privileges sought, but without alteration of the license charges fixed thereon.”

License fees for certificate A, B, or C

SECTION 14. Section 58-23-560 of the 1976 Code is amended to read:

“A holder of a certificate A, B, or C must annually before January first of each year pay to the Office of Regulatory Staff a fee of fifty dollars per vehicle.”

**Carriers of household goods and hazardous waste disposal;
Transportation Division**

SECTION 15. Section 58-23-590 of the 1976 Code is amended to read:

“Section 58-23-590. (A) The commission may promulgate regulations that establish enforcement procedures and powers to govern the operations of carriers of household goods and hazardous waste for disposal.

(B) The Office of Regulatory Staff is authorized to establish a Transportation Division to carry out its responsibilities and may assess the carriers of household goods and hazardous waste for disposal fees necessary to fund this office and to carry out its responsibilities.

(C) The Office of Regulatory Staff is authorized to employ necessary personnel to administer and enforce the provisions of this chapter as they apply to carriers of household goods and hazardous waste for disposal. A carrier operating in violation of a provision of Articles 1 through 12 of this chapter is guilty of a misdemeanor and, upon conviction, must pay penalties provided in Section 58-23-80. A fine of one thousand dollars is imposed on the violators of the certification and registration requirements. Seventy-five percent of this fine must be remitted to the Office of Regulatory Staff to be used for the operation of the Transportation Division. Magistrates have jurisdiction over contested violations of this section and are prohibited from suspending or reducing the penalties.”

Time of payment of fees

SECTION 16. Section 58-23-600 of the 1976 Code is amended to read:

“Section 58-23-600. A holder of a certificate D, E, or F must annually pay to the Office of Regulatory Staff fees pursuant to Section 58-4-60.”

**Insurance, bond, or certificate of self-insurance required for
certificate holders**

SECTION 17. Section 58-23-910 of the 1976 Code is amended to read:

“Section 58-23-910. Prior to the issuance of the certificate, the motor carrier shall procure and file with the Office of Regulatory Staff either liability and property damage insurance, a surety bond with some casualty or surety company authorized to do business in this State, or a certificate of self-insurance as provided by Section 56-9-60 on all motor vehicles to be used in the service in that amount as the commission may determine, insuring or indemnifying passengers or cargo and the public receiving personal injury by reason of any act of negligence and for damage to property of any person other than the assured. The policy, bond, or certificate of self-insurance must contain those conditions, provisions, and limitations as the commission may prescribe and must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.”

Insurance not required of owners of certain motor vehicles subject to Surface Transportation Board

SECTION 18. Section 58-23-930 of the 1976 Code is amended to read:

“Section 58-23-930. No owner of a motor vehicle using such vehicle as part of a terminal service in connection with the business of transporting goods by rail shall be required to carry liability or property damage insurance on such motor vehicle if such business of such owner is under the jurisdiction of the federal Surface Transportation Board and if the Surface Transportation Board has required and does require such owner to set up insurance reserves covering liability resulting from the conduct of such business, including liability arising out of and in connection with the operation of such motor vehicle and if such insurance reserves have been and are actually so set up.

The owner of such a motor vehicle shall attach inside of the cab of such vehicle in a conspicuous place a certificate signed by such owner, or his duly authorized representative, setting forth that the business of such owner is under the jurisdiction of the federal Surface Transportation Board and that such board has required and does require such owner to set up insurance reserves.”

General powers of commission

SECTION 19. Section 58-23-1010 of the 1976 Code is amended to read:

“Section 58-23-1010. (A) The commission shall regulate every motor carrier in this State and fix or approve the classifications and regulations pertaining to each motor carrier, except as provided in Section 58-23-20.

(B) As to holders of a certificate E, the carrier shall file a maximum rate schedule with the commission. The commission must post the maximum rate schedule filing within one business day of receipt. The new maximum rate schedule shall go into effect one business day following the commission’s posting of the new schedule. Holders of certificate E shall have the flexibility for adjustment of the rates below the maximum rate levels without commission approval. The commission shall publish the maximum rate schedule on its website.”

Certain routes or schedules shall not be changed without permit from commission

SECTION 20. Section 58-23-1020 of the 1976 Code is amended to read:

“Section 58-23-1020. No motor vehicle carrier holding a certificate A, B, or D shall change the route or schedule of his motor vehicle during any year for which a license has been issued without procuring an order of the commission before the route is changed.”

Special plates or markers for carriers

SECTION 21. Section 58-23-1080 of the 1976 Code is amended to read:

“Section 58-23-1080. The Office of Regulatory Staff, upon the presentation of a certificate authorizing the motor vehicle carrier to operate and upon payment of the proper license, may furnish the motor vehicle carrier with a distinguishing plate or marker.”

Special markers for reserve or substitute passenger vehicles

SECTION 22. Section 58-23-1090 of the 1976 Code is amended to read:

“Section 58-23-1090. When any reserve or substitute vehicle maintained by a motor carrier holding a certificate D, or a certificate A or a certificate B for passenger vehicles, to be used only in emergencies, is in use it may be designated by a special marker to be furnished by the Office of Regulatory Staff.”

Expenses of the Transportation Department of the Office of Regulatory Staff

SECTION 23. Section 58-4-60(B)(1) of the 1976 Code is amended to read:

“(1) The expenses of the Transportation Department of the Office of Regulatory Staff, with the exception of the expenses incurred in its railway jurisdiction, must be borne by the revenues from license fees derived pursuant to Article 5, Chapter 23, Title 58, assessments to the Transportation Network Companies pursuant to Sections 58-23-1690 and 58-23-1700, and assessments to the carriers of household goods and hazardous waste for disposal carriers. The expenses of the railway section of the Office of Regulatory Staff must be borne by the railroad companies subject to the commission’s jurisdiction according to their gross income from operations in this State.”

Repeal

SECTION 24. Sections 58-23-300, 58-23-330, 58-23-530, 58-23-540, 58-23-550, and 58-23-1060 are repealed.

Availability of information by the Public Service Commission

SECTION 25. The Public Service Commission must make information readily available so that the general public can easily access information regarding the requirements in Articles 3 and 9 in Chapter 23, Title 58. This includes, but is not limited to, the commission posting on its website information regarding the following: list of certified companies, maximum rates, insurance, and complaint resolution.

Dissolution of special purposes districts

SECTION 26. A. Section 4-11-290(J) of the 1976 Code is amended to read:

“(J) In the event the district being dissolved has title to real or personal assets, those assets shall be disposed of as provided in this subsection.

(1) To the extent that the district is authorized by the act creating or establishing the district to provide services and one or more of those services are as of the date of dissolution provided by another political subdivision of the State of South Carolina, the Secretary of State:

(a) must convey to such political subdivision:

(i) any and all assets of the district necessary, useful, or otherwise related to the provision of the service or services by the political subdivision; and

(ii) any assets then being used by the political subdivision to provide the service or services to the political subdivision; and

(b) must execute and deliver any deeds, bills of sale, or other evidence of conveyance of the property as may be required by law to make the asset conveyance effective.

(2) In the event that a political subdivision has assumed indebtedness of the district being dissolved as provided in subsection (B)(3), all assets securing such indebtedness must be conveyed to the political subdivision in accordance with this subsection. The Secretary of State is authorized to convey by his signature title to any and all assets as provided in this subsection, and his signature on any deed, bill of sale, or other instrument of conveyance shall be effective and binding for that purpose.

(3) Notwithstanding another provision of law, in the event the district being dissolved is a hospital district that has an affiliated organization exempt from tax under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986, then the district may transfer its assets to its affiliated organization.

(4) All other assets of the district shall escheat to the State and shall be disposed of in accordance with Chapter 27, Title 19.”

B. This SECTION takes effect upon approval by the Governor.

Time effective

SECTION 27. This act takes effect upon approval by the Governor.

Ratified the 18th day of May, 2022.

President of the Senate

Speaker of the House of Representatives

Approved the _____ day of _____ 2022.

Governor

---XX---

